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10 Attorneys for Defendant
TOSHIBA AMERICA INFORMATION SYSTEMS, INC.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15

16 MICHAEL SIMON, individually, and on behalf
of all others similarly situated,

17 Plaintiffs,

18 v.

19 TOSHIBA AMERICA, INC., a Delaware
20 corporation, and TOSHIBA AMERICA
INFORMATION SYSTEMS, INC., a California
21 corporation,

22 Defendants.
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Case No. C07-06202 EMC

**JOINT STIPULATION TO
EXTEND TIME TO RESPOND
TO COMPLAINT FOR
DEFENDANT TOSHIBA
AMERICA INFORMATION
SYSTEMS, INC.**

Honorable Eduard M. Chen
Courtroom C

1 WHEREAS, plaintiff Michael Simon and defendant Toshiba America Information
2 Systems, Inc. ("TAIS") have discussed exploring the possibility of an early resolution of this
3 matter and intend to continue those discussions over the next several weeks;

4 WHEREAS, plaintiff has dismissed, or will be dismissing, his Complaint against
5 defendant Toshiba America, Inc.; and

6 WHEREAS, given and to facilitate the parties' settlement efforts, and pursuant to
7 Local Rule 6-1(a), the parties agree that the time by which TAIS may plead or otherwise
8 respond to the complaint shall be extended to and including March 17, 2008,

9 NOW, THEREFORE, IN LIGHT OF THE FOREGOING, IT IS HEREBY
10 STIPULATED AND AGREED by and between plaintiff, on the one hand, and TAIS, on the
11 other hand, by and through their respective undersigned counsel, as follows:

12 1. The deadline for TAIS to file and serve its initial response to the First Amended
13 Complaint shall be extended to and including March 17, 2008;

2. This Stipulation may be executed in counterparts, each of which shall be deemed an original, but both of which, when taken together, shall constitute one and the same instrument. Executed signature pages of this Stipulation transmitted by facsimile shall be accepted by the parties hereto and the Court as though they were original signature pages.

Dated: January 24, 2008

DEAN J. ZIPSER
ANNETTE P. CARNEGIE
ADINA L. WITZLING
MORRISON & FOERSTER LLP

By: 

Dean J. Zipser

Attorneys for defendant
Toshiba America Information
Systems, Inc.

Dated: January 23, 2008

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By: 

Stuart C. Talley

Attorneys for plaintiff
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